



FEB 12 2004

OFFICE OF PETITIONS

:

: EXAMINER: OFFICE OF
PETITIONS AND SPECIAL
PROGRAMS

FOR: A PROCESS FOR COMPUTER IMPLEMENTED MANUSCRIPT REVIEW

'GROUP 3600

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5. On January 13, 2004, Examiner Borissov mailed an office communication.⁵ In the office communication, the examiner stated that:

Appellant's Appeal Brief is defective because it includes amended versions of claims which were not previously entered and examined on the merits.

MPEP 1207 States: "Entry of a new amendment, new affidavit or new evidence in an application on appeal is not a matter of right."

Since applicant's amended version of claims have not been previously entered, and are not entered on appeal as a matter of right, they cannot be entered with the appeal brief. Appellant is required to submit a new brief that only includes and addresses the version of the claims that existed at the time of Examiner's last office action.

Applicant has a shortened statutory period of 30 days to reply. Extension of time may be granted. [Office communication page 2 lines 3-13.]

6. The applicant has timely filed a revised appeal brief herewith to comply with the examiner's requirement and to preserve the rights of the application.⁶

III. Reasons Why the Relief Requested Should be Granted

A. Why the Director Should Decide this Type of Petition

37 CFR 1.127 states that: From the refusal of the primary examiner to admit an amendment, in whole or in part, a petition will lie to the [Director] under section 1.181.

B. Why the Primary Examiner was Incorrect in not Allowing the Amendment

1. The Applicant was Within His Right to File the Amendment

The applicant is entitled to file the amendment as a matter of right. The office action summary on page 1 of the office action mailed May 7, 2003 states that the action is non-final. 37 CFR 1.111(a)(1) is applicable, as the office action that the applicant responded to was not a final office action and it was mailed after the first examination. 37 CFR 1.111(a)(1) Reply by applicant or patent owner to a non-final Office action states that:

If the Office action after the first examination (section 1.104) is adverse in

⁵A copy of the office communication mailed by the examiner on January 13, 2004 is Exhibit 6 to this petition.

⁶A copy of the revised appeal brief filed by the applicant herewith is Exhibit 7 to this petition.

any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must reply and request reconsideration or further examination, **with or without amendment.**" Emphasis added.

Since 37 CFR 1.111(a)(1) permits a reply with an amendment, the applicant is entitled to file an amendment as a matter of right.

2. **The Examiner's Rationale for Rejecting the Amendment is Incorrect**

On January 13, 2004, Examiner Borissov mailed an office communication. In the office communication, the examiner stated that:

MPEP 1207 States: "Entry of a new amendment, new affidavit or new evidence in an application on appeal is not a matter of right."

Since applicant's amended version of claims have not been previously entered, and are not entered on appeal as a matter of right, they cannot be entered with the appeal brief. Appellant is required to submit a new brief that only includes and addresses the version of the claims that existed at the time of Examiner's last office action. [Office communication page 2 lines 5-11.]

However, MPEP 1207 applies to cases under final rejection. The first sentence of MPEP 1207⁷ states that:

To expedite the resolution of **cases under final rejection**, an amendment filed at any time after final rejection, but before jurisdiction has passed to the Board (see MPEP 1210), may be entered upon or after filing of an appeal brief provided that the amendment conforms to the requirements of 37 CFR 1.116. Emphasis added.

Since the instant application is not under final rejection, MPEP 1207 does not apply. Therefore, the examiner's conclusion that the amended claims are not entered on appeal as a matter of right is unfounded. Moreover, there is no basis for the examiner's requirement that the applicant submit a new brief that only includes and addresses the version of the claims that existed at the time of Examiner's last office action. Since, the examiner has not stated a valid reason to support a refusal to allow the applicant's amendment, the Director should grant the relief requested and reinstate both the amendment and appeal brief filed by the applicant on August 22, 2003.

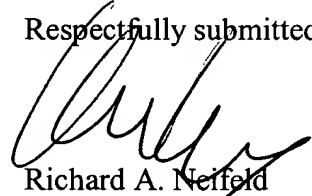
⁷ A copy of MPEP 1207 is Exhibit 8 to this petition.

IV. Conclusion

The applicant is entitled to file the amendment as a matter of right. The Director should reinstate both the amendment under 37 CFR 1.111 that the applicant filed August 22, 2003; and the appeal brief under 37 CFR 1.192 that the applicant filed August 22, 2003. Once the August 22, 2003 amendment and appeal brief are reinstated, the applicant requests that the Director withdraw the revised appeal brief that the applicant filed herewith.

2/6/04

Respectfully submitted,



Richard A. Neifeld
Registration No: 35,299
Attorney of Record

BTM

Printed: February 6, 2004 (1:46pm)

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List of Exhibits

- Exhibit 1: A copy of the June 5, 2002 non-final office action.
- Exhibit 2: A copy of the November 20, 2002 non-final office action.
- Exhibit 3: A copy of the May 7, 2003 non-final office action.
- Exhibit 4: A copy of the original appeal brief the applicant filed on August 22, 2003.
- Exhibit 5: A copy of the amendment the applicant filed on August 22, 2003.
- Exhibit 6: A copy of the office communication mailed by the examiner on January 13, 2004.
- Exhibit 7: A copy of the revised appeal brief filed by the applicant on DATE.
- Exhibit 8: A copy of MPEP 1207.

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FEB 18 2004

GROUP 3600

Docketed
8-1-00
ES



Exhibit 1

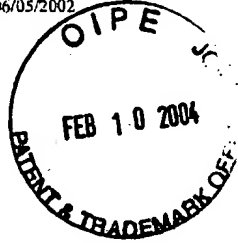
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20531
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,960	02/28/2000	Joel Frederic Plotkin		9067

7590
Joel F Plotkin
5508 Greentree Road
Bethesda, MD 20817

06/05/2002



EXAMINER

BORISSOV, IGOR N

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ART UNIT PAPER NUMBER

3629

FEB 12 2004

DATE MAILED: 06/05/2002

OFFICE OF PETITIONS

Please find below and/or attached an Office communication concerning this application or proceeding.

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FEB 18 2004

GROUP 3600

Decision
8-10-04
(U)



Office Action Summary

Application No. 09/513,960	Applicant(s) PLOTKIN, JOEL FREDERIC	
Examiner Igor Borissov	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 433).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Plantz et al. (U. S. 6,088,702).

Art Unit: 3629

Plantz et al. teach to a method and system for permitting coordinated publishing, assembly and administration of texts by an unlimited number of authors or editors, comprising:

As per **claims 1, 11 and 20**,

- receiving manuscript data defining a manuscript comprising at least one of text data, audio data, and video data (column 7, lines 37-43, 58-63; column 8, lines 20-27; column 9, lines 24-31);
- assigning a unique identification to said manuscript data (column 8, lines 59-67);
- prompting a potential reviewer for agreement to review said manuscript (column 8, lines 20-30);
- storing agreement data received from said potential reviewer (column 8, lines 20-30, 59-67; column 10, lines 1-13).

As per **claims 2-3 and 12-13**,

- depending upon stored agreement data from at least one potential reviewer, transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript (column 8, lines 59-67).

As per **claims 4-5 and 14-15**,

- storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data (column 10, lines 8-36);
- storing at least one date on which said associate editor assigns a potential reviewer (column 10, lines 12-14).

As per **claims 6 and 16**,

Art Unit: 3629

- storing dates on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occur (column 10, lines 12-14, 46-62).

As per **claims 7-8 and 17-18**,

- authorizing transmission of said manuscript to at least one of associate editors, potential reviewers and reviewers of said manuscript (column 10, lines 46-62).

As per **claims 9-10 and 19**,

- said authorization comprises storing, in association with said unique identification assigned to said manuscript, an identification of an associate editor and a reviewer (column 10, lines 30-62).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks
Washington D.C. 20231*

1/22/03
EB



Exhibit 2

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,960	02/28/2000	Joel Frederic Plotkin		9067

7590
Joel F Plotkin
5508 Greentree Road
Bethesda, MD 20817

11/20/2002



EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3629

DATE MAILED: 11/20/2002

Response Due 2/20/03
Last Date to File 5/20/03

Please find below and/or attached an Office communication concerning this application or proceeding.

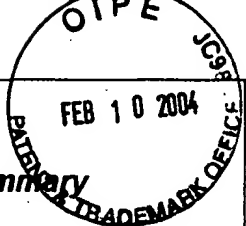
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FEB 18 2004

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OA-JOEL ODDIUS-030122 EB

Office Action Summary



Application No. 09/513,960		Applicant(s) PLOTKIN, JOEL FREDERIC	
Examiner Igor Borissov		Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plantz et al. (U. S. 6,088,702) in view of Hager et al. (U. S. 5,377,355).

Plantz et al. teach a method and system for permitting coordinated publishing, assembly and administration of texts by an unlimited number of authors or editors, comprising:

As per claims 1, 11 and 20-22,

- receiving manuscript data defining a manuscript comprising at least one of text data, audio data, and video data (column 7, lines 37-43, 58-63; column 8, lines 20-27; column 9, lines 24-31);

- assigning a unique identification to said manuscript data (column 8, lines 59-67);

Art Unit: 3629

- prompting a potential reviewer for agreement to review said manuscript (column 8, lines 20-30);

- storing agreement data received from said potential reviewer (column 8, lines 20-30, 59-67; column 10, lines 1-13).

Plantz et al. does not specifically teach storing a decision whether to publish.

Hager et al. teach a method and system for automatically initiating additional procedures with regard to a document, wherein evaluators vote to publish the document, and a decision whether to publish is stored (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Plantz et al. to include that the decision whether to publish can be stored because it would enhance the performance of the system thereby making it more attractive to customers.

As per claims 2-3 and 12-13, Plantz et al. teach said method and system, comprising:

- transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer (column 8, lines 59-67).

As per claims 4-5 and 14-15, Plantz et al. teach said method and system, comprising:

- storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data (column 10, lines 8-36);

- storing at least one date on which said associate editor assigns a potential reviewer (column 10, lines 12-14).

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As per **claims 6 and 16**, Plantz et al. teach said method and system, comprising:

- storing a date on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs (column 10, lines 12-14, 46-62).

As per **claims 7-8 and 17-18**, Plantz et al. teach said method and system, comprising:

- authorizing transmission of said manuscript to at least one of associate editors, potential reviewers and reviewers of said manuscript (column 10, lines 46-62).

As per **claims 9-10 and 19**, Plantz et al. teach said method and system, wherein said authorizing transmission comprises storing, in association with said unique identification, an identification of an associate editor and a reviewer (column 10, lines 30-62).

As per **claim 23**, Plantz et al. teach all the limitations of **claim 23**, including tracking said manuscript and storing said tracking information in a database (column 6, line 66 through column 7, line 2; column 11, lines 14-21, 31-33), except for sending a message upon completing a status check that includes whether a set of anticipated events occurred in a predetermined period of time.

Hager et al. teach said method and system wherein it is determined whether evaluator votes have been received with regard to a particular document, and a prompting message may be utilized to induce an evaluator to submit a vote for the document if the evaluator has not done so within a preselected period of time (column 9, lines 27-37).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Plantz et al. to include sending a message upon completing a status check that includes whether a set of anticipated events occurred in a predetermined period

of time because it would enhance the performance of the system, thereby making it more attractive to the customers.

As per **claim 24**, Hager et al. teach said method and system wherein said final decision for publishing is made by a majority tallying of the individual reviews, if all reviewers indicate said manuscript should be published, said manuscript is automatically sent to a printing queue or printing facility (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57).

THIS ACTION IS NOT MADE FINAL. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks
Washington D.C. 20231***

Application/Control Number: 09/513,960

Page 6

Art Unit: 3629

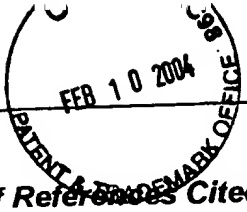
or faxed to:

(703) 305-7687

[Official communications; including
After Final communications labeled
"Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th floor receptionist.

**JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800**



Notice of References Cited

Application/Control No.
09/513,960

Examiner
Igor Borissov

Applicant(s)/Patent Under
Reexamination
PLOTKIN, JOEL FREDERIC

Art Unit
3629

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5377355	12-1994	Hager et al.	707/511
	B	US-5317683	05-1994	Hager et al.	705/9
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

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GROUP 3600

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

U I P E
FEB 10 2004
U.S. TRADEMARK OFF.

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

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Exhibit 3

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,960	02/28/2000	Joel Frederic Plotkin	EJOU0010U/US	9067

31518 7590 05/07/2003

NEIFELD IP LAW, PC
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202



EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3629

DATE MAILED: 05/07/2003

Response Due 8/7/03

Please find below and/or attached an Office communication concerning this application or proceeding.

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0A_EJOU0010UUS_030512 EB

Office Action Summary

FEB 10 2004

OTPE
JC98
TRADEMARK OFFICE

Application No.

09/513,960

Examiner

Igor Borissov

Applicant(s)

PLOTKIN, JOEL FREDERIC

Art Unit

3629

[Handwritten signature]

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/20/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-12 and 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plantz et al. (U. S. 6,088,702) in view of Hager et al. (U. S. 5,377,355) and Price et al. ("Peering Into Peer Review "; (Publication)).

Plantz et al. teach a method and system for permitting coordinated publishing, assembly and administration of texts by an unlimited number of authors or editors, comprising:

As per claims 1-2, 11-12 and 20-22,

- receiving manuscript data defining a manuscript comprising at least one of text data, audio data, and video data (column 7, lines 37-43, 58-63; column 8, lines 20-27; column 9, lines 24-31);
- prompting a potential reviewer for agreement to review said manuscript (column 8, lines 20-30);
- storing agreement data received from said potential reviewer (column 8, lines 20-30, 59-67; column 10, lines 1-13).

- transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer (column 8, lines 59-67).

Plantz et al. does not specifically teach for storing a decision whether to publish, and transmitting said signal if said potential reviewer disagrees to review said manuscript.

Hager et al. teach a method and system for automatically initiating additional procedures with regard to a document, wherein evaluators vote to publish the document, and a decision whether to publish is stored (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57).

Publication, which appears to be published on December 1995, discloses a current practice of reviewing manuscripts in science journals, wherein reviewers may decline the offer to review a manuscript (see pages 1 and 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Plantz et al. to include that the decision whether to publish can be stored, and transmitting said signal if said potential reviewer disagrees to review said manuscript, because it would enhance the performance of the system thereby making it more attractive to customers.

As per claims 4-5 and 14-15, Plantz et al. teach said method and system, comprising:

- storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data (column 10, lines 8-36);
- storing at least one date on which said associate editor assigns a potential reviewer (column 10, lines 12-14).

As per claims 6 and 16, Plantz et al. teach said method and system, comprising:

- storing a date on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs (column 10, lines 12-14, 46-62).

As per claims 7-8 and 17-18, Plantz et al. teach said method and system, comprising:

- authorizing transmission of said manuscript to at least one of associate editors, potential reviewers and reviewers of said manuscript (column 10, lines 46-62).

As per claims 9-10 and 19, Plantz et al. teach said method and system, wherein said authorizing transmission comprises storing, in association with said unique identification, an identification of an associate editor and a reviewer (column 10, lines 30-62).

As per claim 23, Plantz et al. and Publication teach tracking said manuscript and storing said tracking information in a database (column 6, line 66 through column 7, line 2; column 11, lines 14-21, 31-33).

Hager et al. teach said method and system wherein it is determined whether evaluator votes have been received with regard to a particular document, and a prompting message may be utilized to induce an evaluator to submit a vote for the

document if the evaluator has not done so within a preselected period of time (column 9, lines 27-37).

As per claim 24, Hager et al. teach said method and system wherein said final decision for publishing is made by a majority tallying of the individual reviews, if all reviewers indicate said manuscript should be published, said manuscript is automatically sent to a printing queue or printing facility (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57).

THIS ACTION IS NOT MADE FINAL. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Application/Control Number: 09/513,960
Art Unit: 3629

Page 6

Washington D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive,

Arlington, VA, 7th floor receptionist.

**JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**

**Notice of References Cited**

Application/Control No.

09/513,960

Applicant(s)/Patent Under
Reexamination
PLOTKIN, JOEL FREDERIC

Examiner

Igor Borissov

Art Unit

3629

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

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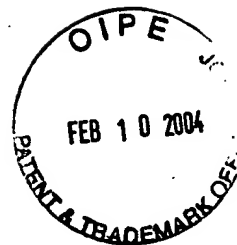
GROUP 3600**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Price et al. PEERING INTO PEER REVIEW; The HW Wilson Co., PP 1 and 2.
	V	Cantekin et al. BIOMEDICAL INFORMATION, PEER REVIEW, AND CONFLICT OF INTEREST AS THEY INFLUENCE PUBLIC HEALTH, The Journal of the American Medical Association, v263, n10, p1427(4).
	W	Scherr TIMES CHANGE AND SO DOES THE jsbm: AN EDITORIAL, Journal of Small Business Management, v35n1, PP1
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(e).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

DOCKET NO: EJOU0010U/US

Exhibit 4



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
Joel F. PLOTKIN

:

: GROUP: 3629

APPLICATION NUMBER: 09/513,960

: EXAMINER: BORISSOV Igor

FILED: February 28, 2000

:

FOR: A PROCESS FOR COMPUTER IMPLEMENTED MANUSCRIPT REVIEW

37 CFR 1.192 APPEAL BRIEF

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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GROUP 3600

Sir: In response to the final office action mailed May 07, 2003, the applicants appeal.



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I. **37 CFR 1.192(a)**

This brief is filed in triplicate, is accompanied by the fee set forth in 37 CFR 1.17(c), and sets forth the authorities and arguments on which the appellant will rely to maintain the appeal.

II. **37 CFR 1.192(b)**

The filing is timely. Accordingly, this subsection is not relevant.

III. **37 CFR 1.192(c)**

A. **37 CFR 1.192(c)(1) - Real Party in Interest**

The real party in interest is Precision Computer Works, Inc. a Maryland Corporation.

B. **37 CFR 1.192(c)(2) - Related Appeals and Interferences**

There are no related Appeals or Interferences.

C. **37 CFR 1.192(c)(3) - Status of Claims**

Claims 1-2, 4-12, and 14-34 are pending and under appeal. Claims 1-2, 4-12, and 14-24 stand rejected. Claims 25-34 are newly presented and presumed to be rejected on the same basis as claims 1-2, 4-12, and 14-24 for the purposes of this appeal.

D. **37 CFR 1.192(c)(4) - Status of Amendments**

An amendment was submitted with this appeal brief. However, since the application is not under final status, that amendment should now be entered. The amendment presents claims 25-34.

E. **37 CFR 1.192(c)(5) - Summary of the Claimed Inventions**

The claimed inventions provide a computer implemented manuscript review and determination process, system (claims 1 and 11) and computer program product (claim 20) for receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data (page 4 lines 17-22 and page 6 lines 8-9); prompting a potential reviewer for agreement to review said manuscript (page 5 lines 14-17); storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript (page 5 lines 21-25); and storing a decision whether to publish (page 7 lines 21-24). Support for claims 25-34 is specified in the amendment filed with this brief.

F. 37 CFR 1.192(c)(6) - Issues

Whether the rejections of claims 1-2, 4-12 and 14-24 under 35 USC 103(a) as being unpatentable over Plantz et al. (US 6,088,702) ("Plantz") in view of Hager et al. (US 5,377,355) ("Hager") and Price et al. (Peering into Peer Review; Publication) ("Publication") should be reversed.

Whether new claims 25-34 are allowable.

G. 37 CFR 1.192(c)(7) - Grouping of Claims

The claims do not stand or fall together. The claims are grouped as follows:

Group 1 - Claims 1, 6, and 7, and 11, 16, and 17, and 20, and 25.

Group 2 - Claim 2 and 12

Group 3 - Claim 4 and 14

Group 4 - Claim 5 and 15

Group 5 - Claims 8 and 9, and 18 and 19

Group 6 - Claim 10.

Group 7 - Claim 26

Group 8 - Claim 27

Group 9 - Claim 28

Group 10 - Claim 29

Group 11 - Claim 30

Group 12 - Claim 31

Group 13 - Claim 32

Group 14 - Claim 33

Group 15 - Claim 34

Different reasons for patentability relating to an exemplary claim of each group are presented below.

H. 37 CFR 1.192(c)(8) - Argument

1. 37 CFR 1.192(c)(8)(iv) - 35 USC 103

The examiner rejected claims 1-2, 4-12 and 14-24 under 35 USC 103(a) as being unpatentable over Plantz et al. (US 6,088,702) in view of Hager et al. (US 5,377,355) and Price

et al. ("Peering into Peer Review"; (Publication)), stating that:

Plantz et al. teach a method and system for permitting coordinated publishing, assembly and administration of texts by an unlimited number of authors or editors, comprising:

As per claims 1-2, 11-12 and 20-22,

- receiving manuscript data defining a manuscript comprising at least one of text data, audio data, and video data (column 7, lines 37-43, 58-63; column 8, lines 20-27; column 9, lines 24-31);

- prompting a potential reviewer for agreement to review said manuscript (column 8, lines 20-30);

- storing agreement data received from said potential reviewer (column 8, lines 20-30, 59-67; column 10, lines 1-13).

- transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer (column 8, lines 59-67).

Plantz et al. does not specifically teach for storing a decision whether to publish, and transmitting said signal if said potential reviewer disagrees to review said manuscript.

Hager et al. teach a method and system for automatically initiating additional procedures with regard to a document, wherein evaluators vote to publish the document, and a decision whether to publish is stored (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57).

Publication, which appears to be published on December 1995, discloses a current practice of reviewing manuscript (see pages 1 and 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Plantz et al. to include that the decision whether to publish can be stored because it would enhance the performance of the system thereby making it more attractive to customers.

As per claims 4-5 and 14-15, Plantz et al. teach said method and system, comprising:

- storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data (column 10, lines 8-36);

- storing at least one date on which said associate editor assigns a potential reviewer (column 10, lines 12-14).

As per claims 6 and 16, Plantz et al. teach said method and system, comprising:

- storing a data on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs (column 10, lines 12-14, 46-62).

As per claims 7-8 and 17-18, Plantz et al. teach said method and system, comprising:

- authorizing transmission of said manuscript to at least one of associate editors, potential reviewers and reviewers of said manuscript (column 10, lines 46-62).

As per claims 9-10 and 19, Plantz et al. teach said method and system, wherein said authorizing transmission comprises storing, in association with said unique identification, an identification of an associate editor and a reviewer (column 10, lines 30-62).

As per claim 23, Plantz et al. and publication teach tracking said manuscript and storing said tracking information in a database (column 6, line 66 through column 7, line 2; column 11, lines 14-21, 31-33).

Hager et al. teach said method and system wherein it is determined whether evaluator

votes have been received with regard to a particular document, and a prompting message may be utilized to induce an evaluator to submit a vote for the document if the evaluator has not done so within a preselected period of time (column 9, lines 27-37).

As per claim 24, Hager et al. teach said method and system wherein said final decision for publishing is made by a majority tallying of the individual review, if all reviewers indicate said manuscript should be published, said manuscript is automatically sent to printing queue or printing facility (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57). [Office Action mailed on May 07, 2003 page 2 line 13 through page 5 line 8.]

In reply, generally speaking, the applicants submit that these rejections should be reversed because they are not supported by any substantial evidence and fail to carry the burdens of proof and persuasion. Reasoning supporting these conclusions is presented below.

a. Claim 1

Claim 1 recites:

1. A computer implemented manuscript review and determination process, comprising:
receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;
prompting a potential reviewer for agreement to review said manuscript;
storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript; and
storing a decision whether to publish.

The examiner admits that Plantz does not disclose or suggest "storing a decision whether to publish." Office action mailed May 07, 2003 page 3 lines 6-8. The examiner does not clearly identify which of Hager and Publication he relies to suggest modifying Plantz to include "storing a decision whether to publish." See office action mailed May 07, 2003 page 3 lines 9-16 (characterizing the teachings of Hager and Publication) and page 3 lines 17-21 (alleging motivation to modify Plantz to include inter alia storing a decision whether to publish). The examiner does allege at office action mailed May 07, 2003 page 3 lines 11-13 that Hager discloses storing a decision whether to publish. However, I have carefully reviewed the passages of Hager relied upon by the examiner in his assertion that Hager discloses storing a decision whether to publish (office action mailed May 07, 2003 at page 3 lines 11-13 cites Hager abstract, column 2 lines 39-53, column 7 lines 20-21, column 7 line 48 to column 8 line 1, column 8 lines

44-51, and column 9 lines 48-57), and I disagree with the examiner. In fact, Hager does not disclose storing a decision whether to publish. Thus, Hager does not disclose, and therefore cannot suggest modification of Plantz to include, "storing a decision whether to publish," as recited by claim 1.

Publication contains no disclosure related to storing decisions whether to publish a manuscript.

Moreover, Plantz also does not disclose a "A computer implemented manuscript review and determination process." Instead, Plantz discloses a document generation process in which multiple people work collaboratively, in sequence, to build a document. Generally see the Abstract. Thus, Plantz has nothing to do with manuscript review and decisions regarding publishing. Hager, on the other hand, is directed to evaluating documents, specifically invention disclosures. Since the purpose for Plantz's and Hager's process are unrelated, they provide no motivation to modify one in view of the other.

In view of the foregoing, I believe that the rejection of claim 1 is improper because (1) there is no teaching of a manuscript review and determination process storing a decision whether to publish and (2) Plantz and Hager are not logically combinable. Accordingly, the rejections of claim 1 are improper and should be reversed.

b. Claim 2

Claim 2 recites:

2. The computer implemented method according to claim 1, further comprising transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer.

The examiner relies upon the combination of Plantz and Hager to suggest modifying Plantz's system to include "prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer." However, Plantz is not directed to review of manuscripts. Therefore, there is no motivation for the proposed combination. Accordingly, the rejection of claim 2 is improper and should be reversed.

c. **Claim 4**

Claim 4 recites:

4. The computer implemented method according to claim 1, further comprising storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data.

The examiner argues that Plantz column 10 lines 8-36 teaches storing data indicating identification of an associate editor for a manuscript. Office action mailed May 7, 2003 page 4 lines 3-4. That is incorrect. Plantz column 10 lines 8-36 discloses that there may be multiple editors; it does not disclose identification of an associate editor.

An "associate editor" is a term clearly and expressly defined in the specification of this application. Specification page 5 lines 18-22 defines an associate editor as an "editor that normally reports to an editor of the publication." Plantz does not disclose storing data identifying editors that normally report to the editor of the publication.

Specification paragraph spanning pages 6 and 7 discloses that an *editor* defines a user of a computer system with rights to (1) assign monitoring/associate editors (referred to as elements 104, 105, 106 in the first figure), (2) assign reviewers, (3) to approve or deny publication, (4) view the document, and (5) get status information, whereas the specification discloses that an *associate editor* only has rights (2)-(5). Accordingly, the specification clearly defines an *associate editor* as one having less computer access rights than an editor. Plantz does not disclose such a concept. Therefore, to the extent that Plantz's discloses multiple editors, that disclosure fails to suggest "storing data indicating an identification of an associate editor," as recited by claim 4. Therefore, claim 4 defines subject matter non-obvious in view of Platz. None of the other applied references suggests this concept. Therefore, the rejection of claim 4 is improper and should be reversed.

d. **Claim 5**

Claim 5 recites:

5. The computer implemented method according to claim 4, further comprising storing at least one date on which said associate editor performs at least one of assigning a potential

reviewer and entering manuscript approval status data.

Since Plantz does not disclose or suggest "storing data indicating an identification of an associate editor," as explained for claim 4, Plantz cannot suggest the "date on which said associate editor performs" some action, as defined by claim 5. For this additional reason, the rejection of claim 5 is improper and should be reversed.

e. **Claim 8**

8. (previously presented) The computer implemented method according to claim 1, further comprising authorizing transmission of said manuscript to at least one of associate editors of said manuscript, potential reviewers of said manuscript, and reviewers of said manuscript.

For the reasons stated for claim 1, the applied prior art does not disclose defining associate editors. For at least this reason, claim 8 is non-obvious.

Moreover, the prior art does not address security issues. Therefore, it does not teach the step of "authorizing transmission" defined by claim 8. In that respect, this application defines authorization rights and limitations at page 6 center paragraph and the paragraph spanning pages 6 and 7. For this additional reason, the rejection of claim 8 should be reversed.

f. **Claim 9**

Claim 9 recites:

9. (previously presented) The computer implemented method according to claim 8, wherein said authorizing transmission comprises storing, in association with said unique identification, at least one of an identification of an associate editor, a potential reviewer, and a reviewer.

For the reasons stated for claim 8, the applied prior art does not disclose "authorizing transmission."

For the reasons stated for claim 4, the applied prior art does not disclose storing "identification of an associate editor."

For both of these reasons, the rejection of claim 9 is improper and should be reversed.

g. Claim 26

Claim 26 recites:

26. The process of claim 1 wherein receiving manuscript data comprises receiving at a central computer manuscript data defining a completed manuscript transmitted from a remote terminal associated with an author; and

said prompting a potential reviewer for agreement to review said manuscript comprises transmitting prompt data to a remote terminal associated with said potential reviewer after receiving manuscript data defining a completed manuscript.

Claim 26 should be allowed for the reason stated for claim 1.

Moreover, Plantz discloses a collaborative publishing system. Plantz does not disclose "receiving ... data defining a completed manuscript transmitted from a remote terminal associated with an author" and then "transmitting prompt data to a remote terminal associated with said potential reviewer after receiving manuscript data defining a completed manuscript." None of the applied prior art suggests these concepts. For these additional reasons, claim 26 should be allowed.

h. Claim 27

Claim 27 recites:

27. (new): The process of claim 1 wherein receiving manuscript data comprises receiving at a central computer manuscript data defining a completed manuscript transmitted from a remote terminal associated with an author; and

in response to receiving said completed manuscript at said central computer automatically prompting a potential reviewer for agreement to review said completed manuscript.

Claim 27 should be allowed for the reason stated for claim 1.

Moreover, Plantz discloses a collaborative publishing system. Plantz does not disclose "receiving at a central computer manuscript data defining a completed manuscript transmitted from a remote terminal associated with an author" or "in response to receiving said completed

manuscript at said central computer automatically prompting a potential reviewer for agreement to review said completed manuscript." The other references fail to teach these limitations. For this additional reason, claim 27 should be allowed.

i. **Claim 28**

Claim 28 recites:

28. (new): The process of claim 1 wherein receiving manuscript data comprises receiving at a central computer manuscript data defining a completed manuscript transmitted from a remote terminal associated with an author; and

in response to receiving at said central computer system a signal indicating that a first potential reviewer disagrees to review said manuscript, generating at said central computer and transmitting to a second potential reviewer at a remote terminal a request prompting said second potential reviewer to review said complete manuscript.

Claim 28 should be allowed for the reason stated for claim 1.

Moreover, Plantz discloses a collaborative publishing system. Plantz does not disclose "receiving at a central computer manuscript data defining a completed manuscript transmitted from a remote terminal associated with an author" or in response to receiving at said central computer system a signal indicating that a first potential reviewer disagrees to review said manuscript, generating at said central computer and transmitting to a second potential reviewer at a remote terminal a request prompting said second potential reviewer to review said complete manuscript. " The other references fail to teach these limitations. Therefore, claim 28 should be allowed.

j. **Claim 29**

Claim 29 recites:

29. (new): The process of claim 1 further comprising storing data indicating an identification of a first associate editor for said manuscript in association with said manuscript data and an identification of an editor, wherein said editor has rights to assign at least one second associate editor for said manuscript and said first associate editor does not have rights to assign

any associate editor for said manuscript.

For the reasons explained for claim 4, the prior art does not disclose or suggest storing data defining an associate editor. Claim 29 expressly defines storing "data indicating an identification of a first associate editor for said manuscript in association with said manuscript data and an identity of an editor" and therefore is allowable for the reasons stated for claims 1 and 4.

Moreover, claim 29 expressly defines a specific difference in rights between the editor and the associate editor, reciting "wherein said editor has rights to assign at least one second associate editor for said manuscript and said first associate editor does not have rights to assign any associate editor for said manuscript."

k. **Claim 30**

Claim 30 recites:

30. (new): The process of claim 1, further comprising:

storing data indicating an identification of a first associate editor for said manuscript in association with said manuscript data;

storing data indicating an identity of an editor;

wherein said associate editor has less rights relating to said manuscript than said editor.

For the reasons explained for claim 4, the prior art does not disclose or suggest storing data defining an associate editor. Claim 30 expressly defines "storing data indicating an identification of a first associate editor for said manuscript in association with said manuscript data; [and] storing data indicating an identity of an editor" and therefore is allowable for the reasons stated for claims 1 and 4.

Moreover, claim 30 expressly defines a specific difference in rights between the editor and the associate editor, defining lesser rights for the associate editor, reciting "wherein said associate editor has less rights relating to said manuscript than said editor." None of the applied prior art suggests these concepts.

For this additional reason, claim 30 is allowable.

1. **Claim 31**

Claim 31 recites:

31. (new): A computer implemented manuscript review and determination process, comprising:

receiving at a central computer manuscript data from a remote terminal associated with an author, said manuscript data defining a complete manuscript including at least one of text data, audio data, and video data;

generating at said central computer a request to review prompt for prompting a potential reviewer for agreement to review said manuscript;

transmitting said request to review prompt to a remote terminal associated with said potential reviewer;

storing in a database controlled by said central computer agreement data received from said potential reviewer at said central computer, said agreement data including at least one of agreement to review and disagreement to review said manuscript; and

storing a decision whether to publish said manuscript.

Claim 31 is non-obvious for the reasons stated for claim 1.

Moreover, Plantz does not disclose "receiving at a central computer manuscript data from a remote terminal associated with an author, said manuscript data defining a complete manuscript including at least one of text data, audio data, and video data." None of the applied prior art suggests these concepts. For this additional reason, claim 31 is allowable.

m. **Claim 32**

Claim 32 recites:

32. The method of 31 further comprising storing at said central computer different rights relating to a manuscript for users defined as author, editor, associate editor, and reviewer.

Claim 32 is allowable for the reasons stated for claim 31.

Moreover, the prior art relied upon does not disclose or suggest "storing at said central

computer different rights relating to a manuscript for users defined as author, editor, associate editor, and reviewer." For this additional reason, claim 32 is allowable.

n. **Claim 33**

Claim 33 recites:

33. The method of claim 32 further comprising configuring said central computer wherein a user defined as an author of said manuscript has rights to get status information relating to said manuscript, a user defined as an editor has rights to assign associate editors to said manuscript, assign reviewers to said manuscript, view, authorize publication, and get status information for said manuscript, a user defined as an associate editor for said manuscript has rights to assign reviewers to said manuscript, view, authorize publication, and get status information for said manuscript and does not have rights to assign additional associate editors to said manuscript, a user defined as a reviewer of a manuscript has rights to indicate whether said manuscript should be published, and get status information on said manuscript.

Claim 33 is allowable for the reasons stated for claim 32.

Moreover, the prior art relied upon does not disclose the specific different rights defined by user classes of author, editor, associate editor, and reviewer defined by claim 32. For this additional reason, claim 32 is allowable.

o. **Claim 34**

35. The method of claim 31 further comprising storing at said central computer different rights relating to a manuscript for users defined as author editor, associate editor, reviewer, and staff member.

Claim 34 is allowable for the reasons stated for claim 31.

Moreover, the prior art relied upon in the rejections does not disclose or suggest "storing at said central computer different rights relating to a manuscript for users defined as author editor, associate editor, reviewer, and staff member." For this additional reason, claim 34 is allowable.

I. **37 CFR 1.192(c)(9) - Appendix**

Appendix I contains a clean copy of claims 1-34 under appeal.

IV. **37 CFR 1.192(d) - Non-compliant Brief**

This brief is in compliance with 37 CFR 1.192(c). Accordingly, this subsection is inapplicable.

31518

PATENT TRADEMARK
OFFICE

8/22/03
Date

Respectfully Submitted,


Richard A. Neifeld, Ph.D.

Registration No. 35,299

Attorney of Record

V. Appendix I - 37 CFR 1.192(c)(9) Claims Under Appeal

Claims 1-34 are pending and subject to this appeal.

1. (currently amended) A computer implemented manuscript review and determination process, comprising:

receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

prompting a potential reviewer for agreement to review said manuscript;

storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript; and

storing a decision whether to publish.

2. (previously presented) The computer implemented method according to claim 1, further comprising transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer.

3. (canceled)

4. (previously presented) The computer implemented method according to claim 1, further comprising storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data.

5. (currently amended) The computer implemented method according to ~~claim 1~~ claim 4, further comprising storing at least one date on which said associate editor performs at least one of assigning a potential reviewer and entering manuscript approval status data.

6. (previously presented) The computer implemented method according to claim 1, further comprising storing a date on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs.

7. (previously presented) The computer implemented method according to claim 1, further comprising transmitting a manuscript review instruction to reviewer.

8. (previously presented) The computer implemented method according to claim 1, further comprising authorizing transmission of said manuscript to at least one of associate editors of said manuscript, potential reviewers of said manuscript, and reviewers of said manuscript.

9. (previously presented) The computer implemented method according to claim 8, wherein said authorizing transmission comprises storing, in association with said unique identification, at least one of an identification of an associate editor, a potential reviewer, and a reviewer.

10. (previously presented) The computer implemented method according to claim 8, wherein said authorizing transmission comprises storing, in association with said unique identification, an identification of an associate editor and a reviewer.

11. (currently amended) A computer implemented manuscript review and determination system, comprising:

means for receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

means for prompting a potential reviewer for agreement to review said manuscript;

means for storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript; and

means for storing a decision whether to publish.

12. (previously presented) The computer implemented system according to claim 11, further comprising means for transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript.

13. (Canceled)

14. (previously presented) The computer implemented system according to claim 11, further comprising means for storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data.

15. (currently amended) The computer implemented system according to claim 14, further comprising means for storing at least one date on which said associate editor preforms at least one of assigning a potential reviewer and entering manuscript approval status data.

16. (previously presented) The computer implemented system according to claim 11, further comprising means for storing a date on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs.

17. (previously presented) The computer implemented system according to claim 11, further comprising means for transmitting a manuscript review instruction to a reviewer.

18. (previously presented) The computer implemented system according to claim 11, further comprising means for authorizing transmission of said manuscript to at least one of associate editors of said manuscript, potential reviewers of said manuscript, and reviewers of said manuscript.

19. (previously presented) The computer implemented system according to claim 18, wherein means for authorizing comprises means for storing, in association with said unique identification, at least one of an identification of an associate editor, a potential reviewer, and a reviewer.

20. (currently amended) A computer program product embodied on a computer readable medium for implementing a manuscript review and determination process on a computer, said program comprising instructions for:

receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

prompting a potential reviewer for agreement to review said manuscript;

storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript; and

storing a decision whether to publish.

21. (previously presented) The computer implemented process according to claim 1, wherein the decision for publishing is a final decision and the manuscript can be published

either in print, or in electronic form.

22. (previously presented) The computer implemented process according to claim 1, further comprising:

correlating the decision for publishing about said manuscript from different potential reviewers and achieving a final decision; and

storing the final decision for publishing in a database.

23. (previously presented) The computer implemented process according to claim 1, further comprising:

tracking said manuscript and storing said tracking information in a database; and

sending a message upon completing a status check that includes whether a set of anticipated events, including receipt of a number of reviewers reviews and editors actions, occurred in a predetermined period of time.

24. (previously presented) The computer implemented process according to claim 22, wherein said final decision for publishing is made by a majority tallying of the individual reviews, if all reviewers indicate said manuscript should be published, said manuscript is automatically sent to a printing queue or printing facility.

25. The process of claim 1 further comprising transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript if said potential reviewer disagrees to review said manuscript.

26. The process of claim 1 wherein receiving manuscript data comprises receiving at a central computer manuscript data defining a completed manuscript transmitted from a remote terminal associated with an author; and

said prompting a potential reviewer for agreement to review said manuscript comprises transmitting prompt data to a remote terminal associated with said potential reviewer after receiving manuscript data defining a completed manuscript.

27. The process of claim 1 wherein receiving manuscript data comprises receiving at a central computer manuscript data defining a completed manuscript transmitted from a remote

terminal associated with an author; and

in response to receiving said completed manuscript at said central computer automatically prompting a potential reviewer for agreement to review said completed manuscript.

28. The process of claim 1 wherein receiving manuscript data comprises receiving at a central computer manuscript data defining a completed manuscript transmitted from a remote terminal associated with an author; and

in response to receiving at said central computer system a signal indicating that a first potential reviewer disagrees to review said manuscript, generating at said central computer and transmitting to a second potential reviewer at a remote terminal a request prompting said second potential reviewer to review said complete manuscript.

29. The process of claim 1 further comprising storing data indicating an identification of a first associate editor for said manuscript in association with said manuscript data and an identification of an editor, wherein said editor has rights to assign at least one second associate editor for said manuscript and said first associate editor does not have rights to assign any associate editor for said manuscript.

30. The process of claim 1, further comprising:

storing data indicating an identification of a first associate editor for said manuscript in association with said manuscript data;

storing data indicating an identity of an editor;

wherein said associate editor has less rights relating to said manuscript than said editor.

31. (new): A computer implemented manuscript review and determination process, comprising:

receiving at a central computer manuscript data from a remote terminal associated with an author, said manuscript data defining a complete manuscript including at least one of text data, audio data, and video data;

generating at said central computer a request to review prompt for prompting a potential

reviewer for agreement to review said manuscript;

transmitting said request to review prompt to a remote terminal associated with said potential reviewer;

storing in a database controlled by said central computer agreement data received from said potential reviewer at said central computer, said agreement data including at least one of agreement to review and disagreement to review said manuscript; and

storing a decision whether to publish said manuscript.

32. The method of 31 further comprising storing at said central computer different rights relating to a manuscript for users defined as author, editor, associate editor, and reviewer.

33. The method of claim 32 further comprising configuring said central computer wherein a user defined as an author of said manuscript has rights to get status information relating to said manuscript, a user defined as an editor has rights to assign associate editors to said manuscript, assign reviewers to said manuscript, view, authorize publication, and get status information for said manuscript, a user defined as an associate editor for said manuscript has rights to assign reviewers to said manuscript, view, authorize publication, and get status information for said manuscript and does not have rights to assign additional associate editors to said manuscript, a user defined as a reviewer of a manuscript has rights to indicate whether said manuscript should be published, and get status information on said manuscript.

34. The method of claim 31 further comprising storing at said central computer different rights relating to a manuscript for users defined as author editor, associate editor, reviewer, and staff member.

Printed: August 21, 2003 (2:28pm)

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DOCKET NO: EJOU0010U/US

Exhibit # 5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
PLOTKIN, Joel Frederic

:
: GROUP: 3629

APPLICATION NUMBER: 09/513,960

: EXAMINER: BORISSOV, Igor

FILED: February 28, 2000

:

FOR: A PROCESS FOR COMPUTER
IMPLEMENTED MANUSCRIPT
REVIEW

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

AMENDMENT UNDER 37 CFR. 1.111

Sir: In response to the non final office action mailed May 7, 2003, please enter this amendment prior to the appeal brief filed herewith.

Amendment to the claims begin on page 2.

Remarks begin on page 8.

Amendment to the Claims:

This listing of claims replaces all prior versions and listings of claims in this application.

1.(currently amended) A computer implemented manuscript review and determination process, comprising:

receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

prompting a potential reviewer for agreement to review said manuscript;

storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript;

~~transmitting a signal, if said potential reviewer disagrees to review said manuscript, prompting an additional potential reviewer for agreement to review said manuscript; and~~
storing a decision whether to publish.

2. (previously presented) The computer implemented method according to claim 1, further comprising transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer.

3. (canceled)

4. (previously presented) The computer implemented method according to claim 1, further comprising storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data.

5. (currently amended) The computer implemented method according to ~~claim 1~~ claim 4, further comprising storing at least one date on which said associate editor performs at least one of assigning a potential reviewer and entering manuscript approval status data.

6. (previously presented) The computer implemented method according to claim 1, further comprising storing a date on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs.

7. (previously presented) The computer implemented method according to claim 1, further comprising transmitting a manuscript review instruction to reviewer.

8. (previously presented) The computer implemented method according to claim 1, further comprising authorizing transmission of said manuscript to at least one of associate editors

of said manuscript, potential reviewers of said manuscript, and reviewers of said manuscript.

9. (previously presented) The computer implemented method according to claim 8, wherein said authorizing transmission comprises storing, in association with said unique identification, at least one of an identification of an associate editor, a potential reviewer, and a reviewer.

10. (previously presented) The computer implemented method according to claim 8, wherein said authorizing transmission comprises storing, in association with said unique identification, an identification of an associate editor and a reviewer.

11. (currently amended) A computer implemented manuscript review and determination system, comprising:

means for receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

means for prompting a potential reviewer for agreement to review said manuscript;

means for storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript;

~~means for transmitting a signal, if said potential reviewer disagrees to review said manuscript, prompting an additional potential reviewer for agreement to review said manuscript;~~
and

means for storing a decision whether to publish.

12. (previously presented) The computer implemented system according to claim 11, further comprising means for transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript.

13. (Canceled)

14. (previously presented) The computer implemented system according to claim 11, further comprising means for storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data.

15. (currently amended) The computer implemented system according to ~~claim 11~~ claim 14, further comprising means for storing at least one date on which said associate editor preforms at least one of assigning a potential reviewer and entering manuscript approval status data.

16. (previously presented) The computer implemented system according to claim 11, further comprising means for storing a date on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs.

17. (previously presented) The computer implemented system according to claim 11, further comprising means for transmitting a manuscript review instruction to a reviewer.

18. (previously presented) The computer implemented system according to claim 11, further comprising means for authorizing transmission of said manuscript to at least one of associate editors of said manuscript, potential reviewers of said manuscript, and reviewers of said manuscript.

19. (previously presented) The computer implemented system according to claim 18, wherein means for authorizing comprises means for storing, in association with said unique identification, at least one of an identification of an associate editor, a potential reviewer, and a reviewer.

20. (currently amended) A computer program product embodied on a computer readable medium for implementing a manuscript review and determination process on a computer, said program comprising instructions for:

receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

prompting a potential reviewer for agreement to review said manuscript;

storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript;

~~transmitting a signal, if said potential reviewer disagrees to review said manuscript, prompting an additional potential reviewer for agreement to review said manuscript; and~~

storing a decision whether to publish.

21. (previously presented) The computer implemented process according to claim 1, wherein the decision for publishing is a final decision and the manuscript can be published either in print, or in electronic form.

22. (previously presented) The computer implemented process according to claim 1, further comprising:

correlating the decision for publishing about said manuscript from different potential reviewers and achieving a final decision; and

storing the final decision for publishing in a database.

23. (previously presented) The computer implemented process according to claim 1, further comprising:

tracking said manuscript and storing said tracking information in a database; and

sending a message upon completing a status check that includes whether a set of anticipated events, including receipt of a number of reviewers reviews and editors actions, occurred in a predetermined period of time.

24. (previously presented) The computer implemented process according to claim 22, wherein said final decision for publishing is made by a majority tallying of the individual reviews, if all reviewers indicate said manuscript should be published, said manuscript is automatically sent to a printing queue or printing facility.

25. (new): The process of claim 1 further comprising transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript if said potential reviewer disagrees to review said manuscript.

26. (new): The process of claim 1 wherein receiving manuscript data comprises receiving at a central computer manuscript data defining a completed manuscript transmitted from a remote terminal associated with an author; and

said prompting a potential reviewer for agreement to review said manuscript comprises transmitting prompt data to a remote terminal associated with said potential reviewer after receiving manuscript data defining a completed manuscript..

27. (new): The process of claim 1 wherein receiving manuscript data comprises receiving at a central computer manuscript data defining a completed manuscript transmitted from a remote terminal associated with an author; and

in response to receiving said completed manuscript at said central computer automatically prompting a potential reviewer for agreement to review said completed manuscript.

28. (new): The process of claim 1 wherein receiving manuscript data comprises receiving at a central computer manuscript data defining a completed manuscript transmitted

from a remote terminal associated with an author; and

in response to receiving at said central computer system a signal indicating that a first potential reviewer disagrees to review said manuscript, generating at said central computer and transmitting to a second potential reviewer at a remote terminal a request prompting said second potential reviewer to review said complete manuscript.

29. (new): The process of claim 1 further comprising storing data indicating an identification of a first associate editor for said manuscript in association with said manuscript data and an identification of an editor, wherein said editor has rights to assign at least one second associate editor for said manuscript and said first associate editor does not have rights to assign any associate editor for said manuscript.

30. (new): The process of claim 1, further comprising:
storing data indicating an identification of a first associate editor for said manuscript in association with said manuscript data;

storing data indicating an identity of an editor;

wherein said associate editor has less rights relating to said manuscript than said editor.

31. (new): A computer implemented manuscript review and determination process, comprising:

receiving at a central computer manuscript data from a remote terminal associated with an author, said manuscript data defining a complete manuscript including at least one of text data, audio data, and video data;

generating at said central computer a request to review prompt for prompting a potential reviewer for agreement to review said manuscript;

transmitting said request to review prompt to a remote terminal associated with said potential reviewer;

storing in a database controlled by said central computer agreement data received from said potential reviewer at said central computer, said agreement data including at least one of agreement to review and disagreement to review said manuscript; and

storing a decision whether to publish said manuscript.

32. (new): The method of 31 further comprising storing at said central computer

different rights relating to a manuscript for users defined as author, editor, associate editor, and reviewer.

33. (new): The method of claim 32 further comprising configuring said central computer wherein a user defined as an author of said manuscript has rights to get status information relating to said manuscript, a user defined as an editor has rights to assign associate editors to said manuscript, assign reviewers to said manuscript, view, authorize publication, and get status information for said manuscript, a user defined as an associate editor for said manuscript has rights to assign reviewers to said manuscript, view, authorize publication, and get status information for said manuscript and does not have rights to assign additional associate editors to said manuscript, a user defined as a reviewer of a manuscript has rights to indicate whether said manuscript should be published, and get status information on said manuscript.

34. (new): The method of claim 31 further comprising storing at said central computer different rights relating to a manuscript for users defined as author editor, associate editor, reviewer, and staff member.

REMARKS

A. Front Page of Office Action

The office action mailed 05/07/2003 indicates that claims 1, 2, 4-12, and 14-24 are pending and rejected. The applicants agree that the front page summary of the office action reflects the contents of the office action.

B. Summary and Response to Items Enumerated in the Office Action

On page 2 line 11 to page 5 line 10, the office action rejects claims 1, 2, 4-12 and 14-24 over combinations of USP 6,088,701 to Plantz ("Plantz"), USP 5,377,355 to Price ("Price"), and the article entitled "Peering into Peer Review" (herein "Publication").

In response, the applicant disputes the propriety of all of the rejections. The applicant's reasons why the rejections are disputed are contained in the appeal brief submitted herewith, which reasons are hereby incorporated herein by reference.

This application is not under final so that applicant has the right to have the claims presented in this amendment entered.

This application has been rejected twice, and therefore the applicants have a right to appeal. Ex parte Lemoine, 46 USPQ2d 1420, ___ (PTOBPAI 1994)(precedential decision of an expanded panel including APJ Schafer, APJ Meister, SAPJ McKelvey, and CAPJ Stoner), stating that:

Considering these sections together, we conclude that "claims" as used in §134 is a reference to the repeated "claim for a patent" as used in §132 rather than a reference to a particular claim "of an application." Under our interpretation, *so long as the applicant has twice been denied a patent, an appeal may be filed*. So construing the statute, we conclude that applicant's claims for a patent have been twice rejected. Applicant has been denied a patent three times. Applicant, therefore, had the right to appeal and we, accordingly, have jurisdiction.
[Emphasis supplied.]

The applicant adds additional claims 25 - 34 suggested by the distinctions between the disclosed invention, the prior art, and the examiner's assertions regarding the teachings of the prior art and the examiner's construction of the claims.

In addition, the applicant removes the text added to independent claim 1, 11, and 20 in

anticipation of obtaining allowance of those claims prior to the latest office action, since the applicant believes that those additions are not necessary for patentability.

The applicant also corrects antecedent basis problems in claims 4 and 14 by changing their dependency to the immediately preceding claim.

C. Support For New Claims 25-34

Support for the new claims can be found as follows:

Claim 25: page 5 lines 14-17 and 22-25.

Claim 26: page 5 lines 1-8 and 22-25.

Claim 27: page 5 lines 1-8 and page 6 lines 8-21.

Claim 28: page 5 lines 1-8 and page 6 lines 8-21.

Claim 29: page 6 line 24 through page 7 line 8.

Claim 30: page 6 line 24 through page 7 line 8 and page 7 lines 9-20.

Claim 31: page 4 lines 17-19 and page 5 lines 1-8, lines 14-17 and 22-25, page 8 lines 9-12.

Claim 32: page 5 lines 1-8 and page 6 line 24 through page 7 line 8.

Claim 33: page 6 line 24 through page 7 line 8 and page 7 lines 10-20.

Claim 34: page 5 lines 1-8 and page 6 line 24 through page 7 line 8.

Neifeld IP Law, PC

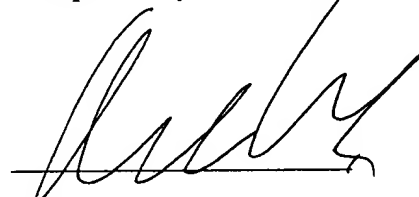
Customer number

31518

Date

8/22/03

Respectively Submitted,



Richard A. Neifeld, Ph.D.
Registration No. 35,299
Attorney of Record

Printed: August 29, 2002 (2:40pm)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,960	02/28/2000	Joel Frederic Plotkin	EJOU0010U/US	9067

31518 7590 01/13/2004
NEIFELD IP LAW, PC
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202



EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/13/2004

RESPONSE DUE: 2/13/04
REMINDER: 1/28/04

Please find below and/or attached an Office communication concerning this application or proceeding.

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SK

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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13

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached notice.

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GROUP 3600

Appellant's Appeal Brief is defective because it includes amended versions of claims which were not previously entered and examined on the merits.

MPEP 1207 States: "Entry of a new amendment, new affidavit or new evidence in an application on appeal is not a matter of right."

Since applicant's amended version of claims have not been previously entered, and are not entered on appeal as a matter of right, they cannot be entered with the appeal brief. Appellant is required to submit a new brief that only includes and addresses the version of the claims that existed at the time of Examiner's last office action.

Applicant has a shortened statutory period of 30 days to reply. Extension of time may be granted.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Art Unit: 3629

Washington D.C. 20231

or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451
Crystal Drive, Arlington, VA, 7th floor receptionist.

**JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**

DOCKET NO: EJOU0010U/US

Exhibit 7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Joel F. PLOTKIN

:

: GROUP: 3629

APPLICATION NUMBER: 09/513,960

: EXAMINER: BORISSOV Igor

FILED: February 28, 2000

:

FOR: A PROCESS FOR COMPUTER IMPLEMENTED MANUSCRIPT REVIEW

37 CFR 1.192 REVISED APPEAL BRIEF

ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

Sir: In response to the final office action mailed May 7, 2003, further to the original appeal brief filed August 22, 2003, and in further response to the office communication mailed January 13, 2004, the applicant files this revised appeal brief.

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I. **37 CFR 1.192(a)**

This brief is filed in triplicate, is accompanied by the fee set forth in 37 CFR 1.17(c), and sets forth the authorities and arguments on which the appellant will rely to maintain the appeal.

II. **37 CFR 1.192(b)**

The filing is timely. Accordingly, this subsection is not relevant.

III. **37 CFR 1.192(c)**

A. **37 CFR 1.192(c)(1) - Real Party in Interest**

The real party in interest is Precision Computer Works, Inc. a Maryland Corporation.

B. **37 CFR 1.192(c)(2) - Related Appeals and Interferences**

There are no related Appeals or Interferences.

C. **37 CFR 1.192(c)(3) - Status of Claims**

Claims 1-2, 4-12, and 14-24 are pending and under appeal. Claims 1-2, 4-12, and 14-24 stand rejected.

D. **37 CFR 1.192(c)(4) - Status of Amendments**

The amendment filed 8/22/2003 has not been entered.

E. **37 CFR 1.192(c)(5) - Summary of the Claimed Inventions**

The claimed inventions provide a computer implemented manuscript review and determination process, system (claims 1 and 11) and computer program product (claim 20) for receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data (page 4 lines 17-22 and page 6 lines 8-9); prompting a potential reviewer for agreement to review said manuscript (page 5 lines 14-17); storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript (page 5 lines 21-25); and storing a decision whether to publish (page 7 lines 21-24).

F. **37 CFR 1.192(c)(6) - Issues**

Whether the rejections of claims 1-2, 4-12 and 14-24 under 35 USC 103(a) as being unpatentable over Plantz et al. (US 6,088,702) ("Plantz") in view of Hager et al. (US 5,377,355) ("Hager") and Price et al. (Peering into Peer Review; Publication) ("Publication") should be reversed.

Whether new claims 25-34 are allowable.

G. 37 CFR 1.192(c)(7) - Grouping of Claims

The claims do not stand or fall together. The claims are grouped as follows:

Group 1 - Claims 1, 6, and 7, and 11, 16, and 17, and 20-24.

Group 2 - Claim 2 and 12

Group 3 - Claim 4 and 14

Group 4 - Claim 5 and 15

Group 5 - Claims 8 and 9, and 18 and 19

Group 6 - Claim 10.

Different reasons for patentability relating to an exemplary claim of each group are presented below.

H. 37 CFR 1.192(c)(8) - Argument

1. 37 CFR 1.192(c)(8)(iv) - 35 USC 103

The examiner rejected claims 1-2, 4-12 and 14-24 under 35 USC 103(a) as being unpatentable over Plantz et al. (US 6,088,702) in view of Hager et al. (US 5,377,355) and Price et al. ("Peering into Peer Review"; (Publication)), stating that:

Plantz et al. teach a method and system for permitting coordinated publishing, assembly and administration of texts by an unlimited number of authors or editors, comprising:

As per claims 1-2, 11-12 and 20-22,

- receiving manuscript data defining a manuscript comprising at least one of text data, audio data, and video data (column 7, lines 37-43, 58-63; column 8, lines 20-27; column 9, lines 24-31);

- prompting a potential reviewer for agreement to review said manuscript (column 8, lines 20-30);

- storing agreement data received from said potential reviewer (column 8, lines 20-30, 59-67; column 10, lines 1-13).

- transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer (column 8, lines 59-67).

Plantz et al. does not specifically teach for storing a decision whether to publish, and transmitting said signal if said potential reviewer disagrees to review said manuscript.

Hager et al. teach a method and system for automatically initiating additional procedures with regard to a document, wherein evaluators vote to publish the document, and a decision whether to publish is stored (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57).

Publication, which appears to be published on December 1995, discloses a current

practice of reviewing manuscript (see pages 1 and 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Plantz et al. to include that the decision whether to publish can be stored because it would enhance the performance of the system thereby making it more attractive to customers.

As per claims 4-5 and 14-15, Plantz et al. teach said method and system, comprising:

- storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data (column 10, lines 8-36);
- storing at least one date on which said associate editor assigns a potential reviewer (column 10, lines 12-14).

As per claims 6 and 16, Plantz et al. teach said method and system, comprising:

- storing a data on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs (column 10, lines 12-14, 46-62).

As per claims 7-8 and 17-18, Plantz et al. teach said method and system, comprising:

- authorizing transmission of said manuscript to at least one of associate editors, potential reviewers and reviewers of said manuscript (column 10, lines 46-62).

As per claims 9-10 and 19, Plantz et al. teach said method and system, wherein said authorizing transmission comprises storing, in association with said unique identification, an identification of an associate editor and a reviewer (column 10, lines 30-62).

As per claim 23, Plantz et al. and publication teach tracking said manuscript and storing said tracking information in a database (column 6, line 66 through column 7, line 2; column 11, lines 14-21,31-33).

Hager et al. teach said method and system wherein it is determined whether evaluator votes have been received with regard to a particular document, and a prompting message may be utilized to induce an evaluator to submit a vote for the document if the evaluator has not done so within a preselected period of time (column 9, lines 27-37).

As per claim 24, Hager et al. teach said method and system wherein said final decision for publishing is made by a majority tallying of the individual review, if all reviewers indicate said manuscript should be published, said manuscript is automatically sent to printing queue or printing facility (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57). [Office Action mailed on May 07, 2003 page 2 line 13 through page 5 line 8.]

In reply, generally speaking, the applicants submit that these rejections should be reversed because they are not supported by any substantial evidence and fail to carry the burdens of proof and persuasion. Reasoning supporting these conclusions is presented below.

a. **Claim 1**

Claim 1 recites:

1. A computer implemented manuscript review and determination process, comprising:
receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

prompting a potential reviewer for agreement to review said manuscript;
storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript; and
storing a decision whether to publish.

The examiner admits that Plantz does not disclose or suggest "storing a decision whether to publish." Office action mailed May 07, 2003 page 3 lines 6-8. The examiner does not clearly identify which of Hager and Publication he relies to suggest modifying Plantz to include "storing a decision whether to publish." See office action mailed May 07, 2003 page 3 lines 9-16 (characterizing the teachings of Hager and Publication) and page 3 lines 17-21 (alleging motivation to modify Plantz to include inter alia storing a decision whether to publish). The examiner does allege at office action mailed May 07, 2003 page 3 lines 11-13 that Hager discloses storing a decision whether to publish. However, I have carefully reviewed the passages of Hager relied upon by the examiner in his assertion that Hager discloses storing a decision whether to publish (office action mailed May 07, 2003 at page 3 lines 11-13 cites Hager abstract, column 2 lines 39-53, column 7 lines 20-21, column 7 line 48 to column 8 line 1, column 8 lines 44-51, and column 9 lines 48-57), and I disagree with the examiner. In fact, Hager does not disclose storing a decision whether to publish. Thus, Hager does not disclose, and therefore cannot suggest modification of Plantz to include, "storing a decision whether to publish," as recited by claim 1.

Publication contains no disclosure related to storing decisions whether to publish a manuscript.

Moreover, Plantz also does not disclose a "A computer implemented manuscript review and determination process." Instead, Plantz discloses a document generation process in which multiple people work collaboratively, in sequence, to build a document. Generally see the Abstract. Thus, Plantz has nothing to do with manuscript review and decisions regarding publishing. Hager, on the other hand, is directed to evaluating documents, specifically invention disclosures. Since the purpose for Plantz's and Hager's process are unrelated, they provide no motivation to modify one in view of the other.

In view of the foregoing, I believe that the rejection of claim 1 is improper because (1)

there is no teaching of a manuscript review and determination process storing a decision whether to publish and (2) Plantz and Hager are not logically combinable. Accordingly, the rejections of claim 1 are improper and should be reversed.

b. Claim 2

Claim 2 recites:

2. The computer implemented method according to claim 1, further comprising transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer.

The examiner relies upon the combination of Plantz and Hager to suggest modifying Plantz's system to include "prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer." However, Plantz is not directed to review of manuscripts. Therefore, there is no motivation for the proposed combination. Accordingly, the rejection of claim 2 is improper and should be reversed.

c. Claim 4

Claim 4 recites:

4. The computer implemented method according to claim 1, further comprising storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data.

The examiner argues that Plantz column 10 lines 8-36 teaches storing data indicating identification of an associate editor for a manuscript. Office action mailed May 7, 2003 page 4 lines 3-4. That is incorrect. Plantz column 10 lines 8-36 discloses that there may be multiple editors; it does not disclose identification of an associate editor.

An "associate editor" is a term clearly and expressly defined in the specification of this application. Specification page 5 lines 18-22 defines an associate editor as an "editor that normally reports to an editor of the publication." Plantz does not disclose storing data identifying editors that normally report to the editor of the publication.

Specification paragraph spanning pages 6 and 7 discloses that an *editor* defines a user of a computer system with rights to (1) assign monitoring/associate editors (referred to as elements 104, 105, 106 in the first figure), (2) assign reviewers, (3) to approve or deny publication, (4) view the document, and (5) get status information, whereas the specification discloses that an *associate editor* only has rights (2)-(5). Accordingly, the specification clearly defines an *associate editor* as one having less computer access rights than an editor. Plantz does not disclose such a concept. Therefore, to the extent that Plantz's discloses multiple editors, that disclosure fails to suggest "storing data indicating an identification of an associate editor," as recited by claim 4. Therefore, claim 4 defines subject matter non-obvious in view of Platz. None of the other applied references suggests this concept. Therefore, the rejection of claim 4 is improper and should be reversed.

d. **Claim 5**

Claim 5 recites:

5. The computer implemented method according to claim 4, further comprising storing at least one date on which said associate editor performs at least one of assigning a potential reviewer and entering manuscript approval status data.

Since Plantz does not disclose or suggest "storing data indicating an identification of an associate editor," as explained for claim 4, Plantz cannot suggest the "date on which said associate editor performs" some action, as defined by claim 5. For this additional reason, the rejection of claim 5 is improper and should be reversed.

e. **Claim 8**

8. (previously presented) The computer implemented method according to claim 1, further comprising authorizing transmission of said manuscript to at least one of associate editors of said manuscript, potential reviewers of said manuscript, and reviewers of said manuscript.

For the reasons stated for claim 1, the applied prior art does not disclose defining associate editors. For at least this reason, claim 8 is non-obvious.

Moreover, the prior art does not address security issues. Therefore, it does not teach the

step of "authorizing transmission" defined by claim 8. In that respect, this application defines authorization rights and limitations at page 6 center paragraph and the paragraph spanning pages 6 and 7. For this additional reason, the rejection of claim 8 should be reversed.

f. **Claim 9**

Claim 9 recites:

9. (previously presented) The computer implemented method according to claim 8, wherein said authorizing transmission comprises storing, in association with said unique identification, at least one of an identification of an associate editor, a potential reviewer, and a reviewer.

For the reasons stated for claim 8, the applied prior art does not disclose "authorizing transmission."

For the reasons stated for claim 4, the applied prior art does not disclose storing "identification of an associate editor."

For both of these reasons, the rejection of claim 9 is improper and should be reversed.

I. **37 CFR 1.192(c)(9) - Appendix**

Appendix I contains a clean copy of claims 1-24 under appeal.

IV. **37 CFR 1.192(d) - Non-compliant Brief**

This brief is in compliance with 37 CFR 1.192(c). Accordingly, this subsection is inapplicable.

Respectfully Submitted,

31518

PATENT TRADEMARK
OFFICE

Date

Richard A. Neifeld, Ph.D.
Registration No. 35,299
Attorney of Record

V. Appendix I - 37 CFR 1.192(c)(9) Claims Under Appeal

Claims 1-24 are pending and subject to this appeal.

1. A computer implemented manuscript review and determination process, comprising:
receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

prompting a potential reviewer for agreement to review said manuscript;

storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript;

transmitting a signal, if said potential reviewer disagrees to review said manuscript, prompting an additional potential reviewer for agreement to review said manuscript; and

storing a decision whether to publish.

2. The computer implemented method according to claim 1, further comprising transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer.

3. (canceled)

4. The computer implemented method according to claim 1, further comprising storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data.

5. The computer implemented method according to claim 1, further comprising storing at least one date on which said associate editor performs at least one of assigning a potential reviewer and entering manuscript approval status data.

6. The computer implemented method according to claim 1, further comprising storing a date on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs.

7. The computer implemented method according to claim 1, further comprising transmitting a manuscript review instruction to reviewer.

8. The computer implemented method according to claim 1, further comprising authorizing transmission of said manuscript to at least one of associate editors of said manuscript, potential reviewers of said manuscript, and reviewers of said manuscript.

9. The computer implemented method according to claim 8, wherein said authorizing transmission comprises storing, in association with said unique identification, at least one of an identification of an associate editor, a potential reviewer, and a reviewer.

10. The computer implemented method according to claim 8, wherein said authorizing transmission comprises storing, in association with said unique identification, an identification of an associate editor and a reviewer.

11. A computer implemented manuscript review and determination system, comprising:
means for receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

means for prompting a potential reviewer for agreement to review said manuscript;

means for storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript;

means for transmitting a signal, if said potential reviewer disagrees to review said manuscript, prompting an additional potential reviewer for agreement to review said manuscript; and

means for storing a decision whether to publish.

12. The computer implemented system according to claim 11, further comprising means for transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript.

13. (Canceled)

14. The computer implemented system according to claim 11, further comprising means for storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data.

15. The computer implemented system according to claim 11, further comprising means for storing at least one date on which said associate editor preforms at least one of assigning a potential reviewer and entering manuscript approval status data.

16. The computer implemented system according to claim 11, further comprising means for storing a date on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs.

17. The computer implemented system according to claim 11, further comprising means for transmitting a manuscript review instruction to a reviewer.

18. The computer implemented system according to claim 11, further comprising means for authorizing transmission of said manuscript to at least one of associate editors of said manuscript, potential reviewers of said manuscript, and reviewers of said manuscript.

19. The computer implemented system according to claim 18, wherein means for authorizing comprises means for storing, in association with said unique identification, at least one of an identification of an associate editor, a potential reviewer, and a reviewer.

20. A computer program product embodied on a computer readable medium for implementing a manuscript review and determination process on a computer, said program comprising:

receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

prompting a potential reviewer for agreement to review said manuscript;

storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript;

transmitting a signal, if said potential reviewer disagrees to review said manuscript, prompting an additional potential reviewer for agreement to review said manuscript; and

storing a decision whether to publish.

21. The computer implemented process according to claim 1, wherein the decision for publishing is a final decision and the manuscript can be published either in print, or in

electronic form.

22. The computer implemented process according to claim 1, further comprising:
correlating the decision for publishing about said manuscript from different potential reviewers and achieving a final decision; and
storing the final decision for publishing in a database.

23. The computer implemented process according to claim 1, further comprising:
tracking said manuscript and storing said tracking information in a database; and
sending a message upon completing a status check that includes whether a set of anticipated events, including receipt of a number of reviewers reviews and editors actions, occurred in a predetermined period of time.

24. The computer implemented process according to claim 22, wherein said final decision for publishing is made by a majority tallying of the individual reviews, if all reviewers indicate said manuscript should be published, said manuscript is automatically sent to a printing queue or printing facility.

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Printed: February 6, 2004 (1:49pm)

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appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Examiner Note:

This paragraph has limited application. To notify applicant of non-compliance with 37 CFR 1.192(c) examiner must use form PTOL-462.

1207 Amendment Filed With or After Appeal

To expedite the resolution of cases under final rejection, an amendment filed at any time after final rejection, but before jurisdiction has passed to the Board (see MPEP § 1210), may be entered upon or after filing of an appeal brief provided that the amendment conforms to the requirements of 37 CFR 1.116. For example, if the amendment necessitates a new search, raises the issue of new matter, presents additional claims without cancelling a corresponding number of finally rejected claims, or otherwise introduces new issues, it will not be entered. A new amendment, new affidavit, or other new evidence must be submitted in a paper separate from the appeal brief. Entry of a new amendment, new affidavit, or other new evidence in an application on appeal is not a matter of right. The entry of an amendment (which may or may not include a new affidavit, declaration, or exhibit) submitted in an application on appeal continues to be governed by 37 CFR 1.116, and the entry of a new affidavit or other new evidence in an application on appeal is governed by 37 CFR 1.195. Examiners must respond to all nonentered amendments after final rejection, and indicate the status of each claim of record or proposed, including the designation of claims that would be entered on the filing of an appeal if filed in a separate paper. If the examiner indicates (in the advisory action) that a proposed amendment of the claim(s) would be entered for purposes of appeal, it is imperative for the examiner to also state (in the same advisory action) how the individual rejection(s) set forth in the final Office action will be used to reject the added or amended claim(s) in the examiner's answer. See 37 CFR 1.193(a)(2) and MPEP § 1208.01. Except where an amendment merely cancels claims and/or adopts examiner suggestions, removes issues from appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37

CFR 1.116 will be expected of all amendments after final rejection.

If, after appeal has been taken, a paper is presented which *on its face* clearly places the application in condition for allowance, such paper should be entered and a Notice of Allowability form PTOL-37 promptly sent to applicant.

In accordance with the above, the brief must be directed to the claims and to the record of the case as they appeared at the time of the appeal, but it may, of course, withdraw from consideration on appeal any claims or issues as desired by appellant. Even if the appeal brief withdraws from consideration any claims or issues (i.e., appellant acquiesces to any rejection), the examiner must continue to make the rejection in the examiner's answer, unless an amendment obviating the rejection has been previously proposed and entered.

A timely filed brief will be referred to the examiner for consideration of its propriety as to the appeal issues and for preparation of an examiner's answer if the brief is proper and the application is not allowable. The examiner's answer may withdraw the rejection of claims, if appropriate. The examiner may also determine that it is necessary to reopen prosecution to enter a new ground of rejection. Note MPEP § 1208.02. No new ground of rejection, however, is permitted in an examiner's answer. 37 CFR 1.193(a)(2). See MPEP § 714.13 for procedure on handling amendments filed after final action and before appeal.

An amendment received after jurisdiction has passed to the Board should not be considered by the examiner unless remanded by the Board for such purpose. See MPEP § 1210 and § 1211.01.

Note that 37 CFR 1.192(c)(4) requires a statement as to the status of any amendment filed subsequent to the final rejection. See also MPEP § 1206.

1208 Examiner's Answer

37 CFR 1.193. Examiner's answer and reply brief.

(a)(1) The primary examiner may, within such time as may be directed by the Commissioner, furnish a written statement in answer to appellant's brief including such explanation of the invention claimed and of the references and grounds of rejection as may be necessary, supplying a copy to appellant. If the primary examiner finds that the appeal is not regular in form or does not relate to an appealable action, the primary examiner shall so state.

(2) An examiner's answer must not include a new ground of rejection, but if an amendment under § 1.116 proposes to add or amend one or more claims and appellant was advised that the

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Joel F. PLOTKIN

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: GROUP: 3629

APPLICATION NUMBER: 09/513,960

: EXAMINER: BORISSOV Igor

FILED: February 28, 2000

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FOR: A PROCESS FOR COMPUTER IMPLEMENTED MANUSCRIPT REVIEW

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GROUP 3600

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I. **37 CFR 1.192(a)**

This brief is filed in triplicate, is accompanied by the fee set forth in 37 CFR 1.17(c), and sets forth the authorities and arguments on which the appellant will rely to maintain the appeal.

II. **37 CFR 1.192(b)**

The filing is timely. Accordingly, this subsection is not relevant.

III. **37 CFR 1.192(c)**

A. **37 CFR 1.192(c)(1) - Real Party in Interest**

The real party in interest is Precision Computer Works, Inc. a Maryland Corporation.

B. **37 CFR 1.192(c)(2) - Related Appeals and Interferences**

There are no related Appeals or Interferences.

C. **37 CFR 1.192(c)(3) - Status of Claims**

Claims 1-2, 4-12, and 14-24 are pending and under appeal. Claims 1-2, 4-12, and 14-24 stand rejected.

D. **37 CFR 1.192(c)(4) - Status of Amendments**

The amendment filed 8/22/2003 has not been entered.

E. **37 CFR 1.192(c)(5) - Summary of the Claimed Inventions**

The claimed inventions provide a computer implemented manuscript review and determination process, system (claims 1 and 11) and computer program product (claim 20) for receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data (page 4 lines 17-22 and page 6 lines 8-9); prompting a potential reviewer for agreement to review said manuscript (page 5 lines 14-17); storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript (page 5 lines 21-25); and storing a decision whether to publish (page 7 lines 21-24).

F. **37 CFR 1.192(c)(6) - Issues**

Whether the rejections of claims 1-2, 4-12 and 14-24 under 35 USC 103(a) as being unpatentable over Plantz et al. (US 6,088,702) ("Plantz") in view of Hager et al. (US 5,377,355) ("Hager") and Price et al. (Peering into Peer Review; Publication) ("Publication") should be reversed.

Whether new claims 25-34 are allowable.

G. 37 CFR 1.192(c)(7) - Grouping of Claims

The claims do not stand or fall together. The claims are grouped as follows:

Group 1 - Claims 1, 6, and 7, and 11, 16, and 17, and 20-24.

Group 2 - Claim 2 and 12

Group 3 - Claim 4 and 14

Group 4 - Claim 5 and 15

Group 5 - Claims 8 and 9, and 18 and 19

Group 6 - Claim 10.

Different reasons for patentability relating to an exemplary claim of each group are presented below.

H. 37 CFR 1.192(c)(8) - Argument

1. 37 CFR 1.192(c)(8)(iv) - 35 USC 103

The examiner rejected claims 1-2, 4-12 and 14-24 under 35 USC 103(a) as being unpatentable over Plantz et al. (US 6,088,702) in view of Hager et al. (US 5,377,355) and Price et al. ("Peering into Peer Review"; (Publication)), stating that:

Plantz et al. teach a method and system for permitting coordinated publishing, assembly and administration of texts by an unlimited number of authors or editors, comprising:

As per claims 1-2, 11-12 and 20-22,

- receiving manuscript data defining a manuscript comprising at least one of text data, audio data, and video data (column 7, lines 37-43, 58-63; column 8, lines 20-27; column 9, lines 24-31);

- prompting a potential reviewer for agreement to review said manuscript (column 8, lines 20-30);

- storing agreement data received from said potential reviewer (column 8, lines 20-30, 59-67; column 10, lines 1-13).

- transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer (column 8, lines 59-67).

Plantz et al. does not specifically teach for storing a decision whether to publish, and transmitting said signal if said potential reviewer disagrees to review said manuscript.

Hager et al. teach a method and system for automatically initiating additional procedures with regard to a document, wherein evaluators vote to publish the document, and a decision whether to publish is stored (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57).

Publication, which appears to be published on December 1995, discloses a current

practice of reviewing manuscript (see pages 1 and 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Plantz et al. to include that the decision whether to publish can be stored because it would enhance the performance of the system thereby making it more attractive to customers.

As per claims 4-5 and 14-15, Plantz et al. teach said method and system, comprising:

- storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data (column 10, lines 8-36);
- storing at least one date on which said associate editor assigns a potential reviewer (column 10, lines 12-14).

As per claims 6 and 16, Plantz et al. teach said method and system, comprising:

- storing a data on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs (column 10, lines 12-14, 46-62).

As per claims 7-8 and 17-18, Plantz et al. teach said method and system, comprising:

- authorizing transmission of said manuscript to at least one of associate editors, potential reviewers and reviewers of said manuscript (column 10, lines 46-62).

As per claims 9-10 and 19, Plantz et al. teach said method and system, wherein said authorizing transmission comprises storing, in association with said unique identification, an identification of an associate editor and a reviewer (column 10, lines 30-62).

As per claim 23, Plantz et al. and publication teach tracking said manuscript and storing said tracking information in a database (column 6, line 66 through column 7, line 2; column 11, lines 14-21,31-33).

Hager et al. teach said method and system wherein it is determined whether evaluator votes have been received with regard to a particular document, and a prompting message may be utilized to induce an evaluator to submit a vote for the document if the evaluator has not done so within a preselected period of time (column 9, lines 27-37).

As per claim 24, Hager et al. teach said method and system wherein said final decision for publishing is made by a majority tallying of the individual review, if all reviewers indicate said manuscript should be published, said manuscript is automatically sent to printing queue or printing facility (Abstract; column 2, lines 39-53; column 7, lines 20-21; column 7, line 48 through column 8, line 1; column 8, lines 44-51; column 9, lines 48-57). [Office Action mailed on May 07, 2003 page 2 line 13 through page 5 line 8.]

In reply, generally speaking, the applicants submit that these rejections should be reversed because they are not supported by any substantial evidence and fail to carry the burdens of proof and persuasion. Reasoning supporting these conclusions is presented below.

a. Claim 1

Claim 1 recites:

1. A computer implemented manuscript review and determination process, comprising:
receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

prompting a potential reviewer for agreement to review said manuscript;
storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript; and
storing a decision whether to publish.

The examiner admits that Plantz does not disclose or suggest "storing a decision whether to publish." Office action mailed May 07, 2003 page 3 lines 6-8. The examiner does not clearly identify which of Hager and Publication he relies to suggest modifying Plantz to include "storing a decision whether to publish." See office action mailed May 07, 2003 page 3 lines 9-16 (characterizing the teachings of Hager and Publication) and page 3 lines 17-21 (alleging motivation to modify Plantz to include inter alia storing a decision whether to publish). The examiner does allege at office action mailed May 07, 2003 page 3 lines 11-13 that Hager discloses storing a decision whether to publish. However, I have carefully reviewed the passages of Hager relied upon by the examiner in his assertion that Hager discloses storing a decision whether to publish (office action mailed May 07, 2003 at page 3 lines 11-13 cites Hager abstract, column 2 lines 39-53, column 7 lines 20-21, column 7 line 48 to column 8 line 1, column 8 lines 44-51, and column 9 lines 48-57), and I disagree with the examiner. In fact, Hager does not disclose storing a decision whether to publish. Thus, Hager does not disclose, and therefore cannot suggest modification of Plantz to include, "storing a decision whether to publish," as recited by claim 1.

Publication contains no disclosure related to storing decisions whether to publish a manuscript.

Moreover, Plantz also does not disclose a "A computer implemented manuscript review and determination process." Instead, Plantz discloses a document generation process in which multiple people work collaboratively, in sequence, to build a document. Generally see the Abstract. Thus, Plantz has nothing to do with manuscript review and decisions regarding publishing. Hager, on the other hand, is directed to evaluating documents, specifically invention disclosures. Since the purpose for Plantz's and Hager's process are unrelated, they provide no motivation to modify one in view of the other.

In view of the foregoing, I believe that the rejection of claim 1 is improper because (1)

there is no teaching of a manuscript review and determination process storing a decision whether to publish and (2) Plantz and Hager are not logically combinable. Accordingly, the rejections of claim 1 are improper and should be reversed.

b. Claim 2

Claim 2 recites:

2. The computer implemented method according to claim 1, further comprising transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer.

The examiner relies upon the combination of Plantz and Hager to suggest modifying Plantz's system to include "prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer." However, Plantz is not directed to review of manuscripts. Therefore, there is no motivation for the proposed combination. Accordingly, the rejection of claim 2 is improper and should be reversed.

c. Claim 4

Claim 4 recites:

4. The computer implemented method according to claim 1, further comprising storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data.

The examiner argues that Plantz column 10 lines 8-36 teaches storing data indicating identification of an associate editor for a manuscript. Office action mailed May 7, 2003 page 4 lines 3-4. That is incorrect. Plantz column 10 lines 8-36 discloses that there may be multiple editors; it does not disclose identification of an associate editor.

An "associate editor" is a term clearly and expressly defined in the specification of this application. Specification page 5 lines 18-22 defines an associate editor as an "editor that normally reports to an editor of the publication." Plantz does not disclose storing data identifying editors that normally report to the editor of the publication.

Specification paragraph spanning pages 6 and 7 discloses that an *editor* defines a user of a computer system with rights to (1) assign monitoring/associate editors (referred to as elements 104, 105, 106 in the first figure), (2) assign reviewers, (3) to approve or deny publication, (4) view the document, and (5) get status information, whereas the specification discloses that an *associate editor* only has rights (2)-(5). Accordingly, the specification clearly defines an *associate editor* as one having less computer access rights than an editor. Plantz does not disclose such a concept. Therefore, to the extent that Plantz's discloses multiple editors, that disclosure fails to suggest "storing data indicating an identification of an associate editor," as recited by claim 4. Therefore, claim 4 defines subject matter non-obvious in view of Platz. None of the other applied references suggests this concept. Therefore, the rejection of claim 4 is improper and should be reversed.

d. **Claim 5**

Claim 5 recites:

5. The computer implemented method according to claim 4, further comprising storing at least one date on which said associate editor performs at least one of assigning a potential reviewer and entering manuscript approval status data.

Since Plantz does not disclose or suggest "storing data indicating an identification of an associate editor," as explained for claim 4, Plantz cannot suggest the "date on which said associate editor performs" some action, as defined by claim 5. For this additional reason, the rejection of claim 5 is improper and should be reversed.

e. **Claim 8**

8. (previously presented) The computer implemented method according to claim 1, further comprising authorizing transmission of said manuscript to at least one of associate editors of said manuscript, potential reviewers of said manuscript, and reviewers of said manuscript.

For the reasons stated for claim 1, the applied prior art does not disclose defining associate editors. For at least this reason, claim 8 is non-obvious.

Moreover, the prior art does not address security issues. Therefore, it does not teach the

step of "authorizing transmission" defined by claim 8. In that respect, this application defines authorization rights and limitations at page 6 center paragraph and the paragraph spanning pages 6 and 7. For this additional reason, the rejection of claim 8 should be reversed.

f. **Claim 9**

Claim 9 recites:

9. (previously presented) The computer implemented method according to claim 8, wherein said authorizing transmission comprises storing, in association with said unique identification, at least one of an identification of an associate editor, a potential reviewer, and a reviewer.

For the reasons stated for claim 8, the applied prior art does not disclose "authorizing transmission."

For the reasons stated for claim 4, the applied prior art does not disclose storing "identification of an associate editor."

For both of these reasons, the rejection of claim 9 is improper and should be reversed.

I. **37 CFR 1.192(c)(9) - Appendix**

Appendix I contains a clean copy of claims 1-24 under appeal.

IV. **37 CFR 1.192(d) - Non-compliant Brief**

This brief is in compliance with 37 CFR 1.192(c). Accordingly, this subsection is inapplicable.

Respectfully Submitted,

31518

PATENT TRADEMARK
OFFICE

Date

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V. Appendix I - 37 CFR 1.192(c)(9) Claims Under Appeal

Claims 1-24 are pending and subject to this appeal.

1. A computer implemented manuscript review and determination process, comprising:
receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

prompting a potential reviewer for agreement to review said manuscript;

storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript;

transmitting a signal, if said potential reviewer disagrees to review said manuscript, prompting an additional potential reviewer for agreement to review said manuscript; and

storing a decision whether to publish.

2. The computer implemented method according to claim 1, further comprising transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript based on stored agreement data from at least one potential reviewer.

3. (canceled)

4. The computer implemented method according to claim 1, further comprising storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data.

5. The computer implemented method according to claim 1, further comprising storing at least one date on which said associate editor performs at least one of assigning a potential reviewer and entering manuscript approval status data.

6. The computer implemented method according to claim 1, further comprising storing a date on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs.

7. The computer implemented method according to claim 1, further comprising transmitting a manuscript review instruction to reviewer.

8. The computer implemented method according to claim 1, further comprising authorizing transmission of said manuscript to at least one of associate editors of said manuscript, potential reviewers of said manuscript, and reviewers of said manuscript.

9. The computer implemented method according to claim 8, wherein said authorizing transmission comprises storing, in association with said unique identification, at least one of an identification of an associate editor, a potential reviewer, and a reviewer.

10. The computer implemented method according to claim 8, wherein said authorizing transmission comprises storing, in association with said unique identification, an identification of an associate editor and a reviewer.

11. A computer implemented manuscript review and determination system, comprising:
means for receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

means for prompting a potential reviewer for agreement to review said manuscript;

means for storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript;

means for transmitting a signal, if said potential reviewer disagrees to review said manuscript, prompting an additional potential reviewer for agreement to review said manuscript; and

means for storing a decision whether to publish.

12. The computer implemented system according to claim 11, further comprising means for transmitting a signal prompting an additional potential reviewer for agreement to review said manuscript.

13. (Canceled)

14. The computer implemented system according to claim 11, further comprising means for storing data indicating an identification of an associate editor for said manuscript in association with said manuscript data.

15. The computer implemented system according to claim 11, further comprising means for storing at least one date on which said associate editor preforms at least one of assigning a potential reviewer and entering manuscript approval status data.

16. The computer implemented system according to claim 11, further comprising means for storing a date on which at least one of receiving said manuscript, prompting a potential reviewer, and receiving agreement data occurs.

17. The computer implemented system according to claim 11, further comprising means for transmitting a manuscript review instruction to a reviewer.

18. The computer implemented system according to claim 11, further comprising means for authorizing transmission of said manuscript to at least one of associate editors of said manuscript, potential reviewers of said manuscript, and reviewers of said manuscript.

19. The computer implemented system according to claim 18, wherein means for authorizing comprises means for storing, in association with said unique identification , at least one of an identification of an associate editor, a potential reviewer, and a reviewer.

20. A computer program product embodied on a computer readable medium for implementing a manuscript review and determination process on a computer, said program comprising:

receiving manuscript data defining a manuscript including at least one of text data, audio data, and video data;

prompting a potential reviewer for agreement to review said manuscript;

storing agreement data received from said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript;

transmitting a signal, if said potential reviewer disagrees to review said manuscript, prompting an additional potential reviewer for agreement to review said manuscript; and

storing a decision whether to publish.

21. The computer implemented process according to claim 1, wherein the decision for publishing is a final decision and the manuscript can be published either in print, or in

electronic form.

22. The computer implemented process according to claim 1, further comprising:
correlating the decision for publishing about said manuscript from different potential reviewers and achieving a final decision; and
storing the final decision for publishing in a database.

23. The computer implemented process according to claim 1, further comprising:
tracking said manuscript and storing said tracking information in a database; and
sending a message upon completing a status check that includes whether a set of anticipated events, including receipt of a number of reviewers reviews and editors actions, occurred in a predetermined period of time.

24. The computer implemented process according to claim 22, wherein said final decision for publishing is made by a majority tallying of the individual reviews, if all reviewers indicate said manuscript should be published, said manuscript is automatically sent to a printing queue or printing facility.

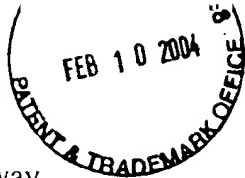
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Printed: February 9, 2004 (8:15am)

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TRANSMITTAL LETTER AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

ASSISTANT COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

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FEB 12 2004

RE: Attorney Docket No: EJOU0010U/US
Application Serial No: 09/513,960
Filed: February 28, 2000
Title: A Process for Computer Implemented Manuscript Review
Inventor: Joel F. Plotkin
Group Art Unit: 3629
Examiner: Igor Borissov

OFFICE OF PETITIONS

SIR:

RECEIVED

FEB 18 2004

Attached hereto for filing are the following papers:

37 CFR 1.127 Petition from Refusal to Admit Amendment
List of Exhibits 1-8
Copy of Exhibits 1-8
37 CFR 1.192 Revised Appeal Brief

GROUP 3600

Our check in the amount of \$130.00 is attached covering the required fees.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2106. A duplicate copy of this sheet is enclosed.

31518

PATENT TRADEMARK OFFICE

2/18/04

Date

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Printed: February 6, 2004 (11:14am)

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